

LABEL, IN PART: (Bottle) "Nue-Ovo * * * Active Ingredients: An Aqueous Extraction of Plume Thistle, Burdock, Quassia, Sage, Cinnamon, Horehound, Ginseng, Calamus, Dandelion, Althea, Kola Nut, Sodium Salicylate, Cascara, Licorice, Vitamin B₁."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the display cards and circulars accompanying one of the Kansas lots were false and misleading since such statements represented and suggested that the article was effective in the treatment of arthritis and rheumatism, whereas it would not be effective for such purposes.

Misbranding, Section 502 (f) (1), the labeling of the article in the other lots failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article, when used as directed, would be effective.

DISPOSITION: Research Laboratories, Inc., appeared as claimant for all lots, with the exception of that seized at Olympia, Wash. On motion of the claimant, the actions instituted at Salt Lake City and Ogden, Utah, Pittsburgh, Pa., Springfield, Mo., and Glendale and Vernon, Calif., were removed for trial and final disposition to the Northern District of Illinois; and stipulations were entered in the other cases involving Section 502 (f) (1) charges, that the actions would wait the result and be governed by the judgment in the consolidated case.

On October 27, 1950, by consent of the claimant, judgment was entered in the Northern District of Illinois in the consolidated case, condemning the product and ordering that it be destroyed. The other actions involving Section 502 (f) (1) charges, were terminated on various dates between December 28, 1950, and February 5, 1951, by the entry of similar decrees.

The seizure at Lawrence, Kans., involving Section 502 (a) charges, was terminated on February 21, 1950, by the entry of a decree of condemnation and destruction, in accordance with a stipulation entered into that the disposition of the product would be governed by the judgment entered in the consolidated action reported in notices of judgment on drugs and devices, No. 2963.

On January 16, 1951, a default decree of condemnation was entered in the case instituted at Olympia, Wash., and the court ordered that the product be destroyed.

✓ **3345. Misbranding of Nue-Ovo. U. S. v. 4 Units * * *. (F. D. C. No. 25171. Sample No. 28565-K.)**

LIBEL FILED: July 16, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about April 7, 1948, from Chicago, Ill.

PRODUCT: 4 units, each containing 3 1-pint bottles, of *Nue-Ovo* at Denver, Colo.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to reveal the diseases or conditions of the body for which the article, when used as directed, would be effective. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 27, 1950. Research Laboratories, Inc, claimant, having consented to the entry of a decree and the case having been consolidated with certain other cases referred to in the preceding notice of judgment in the

Northern District of Illinois (No. 3344), judgment of condemnation was entered and the court ordered that the product be destroyed.

3346. Misbranding of Weber's laxative cold tablets. U. S. v. 97 Bottles * * *.
(F. D. C. No. 29701. Sample No. 13746-K.)

LIBEL FILED: August 28, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 9, 1950, from Buffalo, N. Y.

PRODUCT: 97 bottles of *Weber's laxative cold tablets* at Chambersburg, Pa., in possession of H. Weber & Co.

RESULTS OF INVESTIGATION: Investigation disclosed that the tablets were repacked after completion of the interstate shipment.

LABEL, IN PART: "Weber's Laxative Cold Tablets For Colds and LaGrippe * * * Each Tablet Represents Acetanilid 2 gr. Tincture Aconite 3½ M Tincture Gelsemium 4½ M Ipecac ½ gr. Aloin ½₂₀ gr. Podophyllin ½₂₀ gr. Capsicum ½ gr."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "For Colds and LaGrippe" was false and misleading since the article would not be effective in the treatment of such conditions; and, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users since the label failed to warn that the frequent or continued use of an article containing acetanilid may be dangerous, causing serious blood disturbances, anemia, collapse, or a dependence on the drug; and the label failed also to warn that frequent or continued use of the article may result in a dependence on laxatives, and that the article should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: February 5, 1951. Default decree of condemnation and destruction.

3347. Misbranding of Rheumolek Herb Tea No. 3 and Hematone Herb Tea No. 4. U. S. v. 15 Bags, etc. (F. D. C. No. 30359. Sample Nos. 81768-K to 81771-K, incl.)

LIBEL FILED: December 28, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, October 6, and November 8, 1950, from New York, N. Y., by E. C. Diez Drug Co., Inc.

PRODUCT: 15 bags and 150 cartons of *Rheumolek Herb Tea No. 3*, and 8 bags and 100 cartons of *Hematone Herb Tea No. 4*, at Morrisville, Pa., in possession of Tatra Co., together with a number of order blanks headed "Odtrhnete A Poslete Tuto Objednavku Na Adresu."

RESULTS OF INVESTIGATION: The products were shipped in 100-pound bags to which were attached tags bearing the names and addresses of the shipper and consignee on one side and on the reverse side the statement "100 #3" or "100 #4."

The consignee had repackaged portions of the contents of the bags in cartons holding 5 ounces each, and had labeled the cartons as set forth below.

LABEL, IN PART: (Carton) "Rheumolek Herb Tea No. 3 * * * Buchu Leaves, Black Cohosh, Pipsissewa, Wintergreen, Bearberry, Coriander, Rosemary